

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DELBERT L. RELIFORD,

Defendant-Appellant.

UNPUBLISHED

October 3, 2000

No. 215405

Wayne Circuit Court

LC No. 98-005844

Before: McDonald, P.J., and Sawyer and White, JJ.

MEMORANDUM.

Defendant appeals as of right his conviction for felonious assault, MCL 750.82; MSA 28.277, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2), entered after a bench trial. We affirm.

Defendant was charged with assault with intent to murder and felony-firearm, based on an altercation with a long-time friend. The victim testified that defendant came to his house early in the morning. When the victim came to the door, defendant pointed a gun at him and said, "You know what time it is." The victim gave defendant \$1,500, and a struggle ensued when the victim's fiancée entered the room. Defendant pointed the gun at the victim and fired, grazing the victim's head. The victim jumped out of a window, and defendant fled along with a companion.

Defendant testified that he went to the victim's home to rectify a bad drug deal. He claimed that he acted in self-defense after the victim pulled a weapon. Defendant claimed that the shooting was accidental. The trial court found credibility questions regarding both stories, but found that there was sufficient evidence to find defendant guilty of felonious assault and felony-firearm. On appeal, defendant argues that the evidence was insufficient to support his conviction.

In determining whether sufficient evidence has been presented to sustain a conviction, a reviewing court must view the evidence in a light most favorable to the prosecution, and determine whether any rational finder of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992).

Viewed in a light most favorable to the prosecution, there was sufficient evidence to establish defendant's guilt. A rational finder of fact could find from the victim's testimony that the elements of both offenses were established beyond a reasonable doubt.

Affirmed.

/s/ Gary R. McDonald

/s/ David H. Sawyer

/s/ Helene N. White